

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Bevan Xavier Brooks, Sr., #106948,)	Civil Action No.: 8:08-586-TLW-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Mr. Renaldo Myers, et al.,)	
)	
Defendants.)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On September 10, 2008, the defendant filed a motion for protection. On September 11, 2008, a copy of this Court's text order granting the extension was mailed to the plaintiff at his last known address at the Alvin S. Glenn Detention Center, 201 John Mark Dial Drive, Columbia, South Carolina 29209. The envelope containing this order was returned to the court marked "undeliverable, no longer at this address" as the plaintiff is apparently no longer incarcerated at the Alvin S. Glenn Detention Center. The record reveals that the plaintiff was advised by order dated March 4, 2008, of his responsibility to notify the court *in writing* if his address changed.

Because the plaintiff is proceeding *pro se*, the court issued another order on September 24, 2008, giving the plaintiff additional time to comply with this Court's March 4, 2008, order and provide the court with a current address. The plaintiff was advised that if he failed to provide the address within that time period, this case would be dismissed for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this

action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and based on *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

October 6, 2008

Greenville, South Carolina